

REMARKS/ARGUMENTS

Newly submitted claims 32-40 replace all of the claims previously submitted in the application.

Claims 32-40 set forth the structure of the novel internally braced straw bale wall and method of making same described in the application in such detail and specificity as to clearly and unequivocally distinguish Applicant's invention from the cited prior art. Claims 1-32 previously submitted were rejected under 35 U.S.C. 102 on the basis of Hagaman (US 7,073,306).

The current claims call for a straw bale wall comprised of individual straw bales having the shape of a regular parallelepiped stacked on a foundation wall a plurality of courses high. By contrast, the Hagaman patent is directed to a wall that is constructed using fibrous materials that are compressed into a unified structure. Hagaman teaches that loose straw is placed into a form and, using binding materials, compressed into a "monolithic fibrous structure" which it states is an important improvement over the prior art. (See Col. 10, lines 15-17.)

The method of compressing the loose fiber is set forth in Col. 9, from lines 5 to lines 29.

That the Hagaman patent is directed to a building technique that does not use straw bales is made clear and emphasized in Col. 2, lines 52-54, where it is stated:

Compressed fiber performs well as a building material, but the above-mentioned methods of building with stacked fiber bales suffer from a number of disadvantages:"

Thus, the absence and, in fact, teaching away from the use of straw bales is evident in Hagaman. Thus, Hagaman does not support a 102 rejection, since one of the elements in Applicant's claimed invention is not found in Hagaman.

Applicant's claims also include a plurality of vertically oriented bracing ladders attached to the foundation wall at spaced apart locations where the ladders are trusses formed by a pair of spaced apart rails and connecting struts affixed between the rails.

No structure of that sort can be found anywhere in Hagaman. Furthermore, the vertically oriented bracing ladders of Applicant's invention are described in the claim as including openings of sufficient size to permit a straw bale to pass therethrough and be surrounded thereby, which is not found in Hagaman.

Applicant's claims further require that the vertically oriented bracing ladders be so situated within the stacked bales that some bales abut the struts of the ladders, while some bales are surrounded by the ladders, and, in some cases, bales are neither abutted nor surrounded by the ladders, but disposed at a distance therefrom. Once again, nothing resembling that structure can be found in Hagaman.

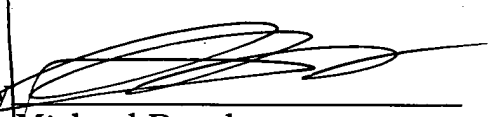
Applicant would point out that Hagaman Figs. 2A, 2B and 2C are of the forms and compressing equipment by which the monolithic straw structure is formed in layers and that these forms and compressing equipment (52) do not form part of the wall itself. This is evident by reference to Fig. 1, which

illustrates the wall of Hagaman after the forms and compressing equipment are no longer required. Applicant would also point out that Figs. 5A and 5B are, once again, illustrations of construction mechanisms for compressing straw into a monolithic structure, as described in Col. 15 of the patent. None of these structures correspond to the internal vertically oriented bracing ladders that are an integral part of the wall of Applicant's invention and which are set forth in detail in Applicant's claims.

Applicant respectfully submits that the new claims clearly distinguish over Hagaman and that, as such, in the absence of more pertinent prior art, the claims should be allowed.

Respectfully submitted,

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